IN RE:

PETITION FOR RESIDENTIAL

ZONING VARIANCE

E/S Midway Ave., 140 ft. N

of c/l New Deal Place

1 Midway Avenue

12th Election District
7th Councilmanic District
John K. Hylind, et ux

Petitioners

* BEFORE THE DEPUTY

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 95-1-A

*

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by John K. Hylind and Agnes D. Hylind, his wife, for that property known as 1 Midway Avenue in the Inverness subdivision of Baltimore County. The Petitioner/property owners herein seek a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (garage) with a height of 19.5 ft., in lieu of the required 15 ft., as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

ORDER RECEIVED FOR FILING
Date

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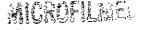
B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property is located within the Chesapeake Bay Critical Areas and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioners' compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27 day of July, 1994 that the Petition for a Zoning Variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (garage) with a height of 19.5 ft., in lieu of the required 15 ft., in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.



- 3. Compliance with the Department of Environmental Protection and Resource Management recommendations to be submitted upon completion of their review of this matter.
- 4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES: mmn

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A Committee Brown

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

July 27, 1994

Mr. and Mrs. John K. Hylind 1 Midway Avenue Baltimore, Maryland 21222

RE: Petition for Administrative Variance

Case No. 95-1-A

Property: 1 Midway Avenue

Dear Mr. and Mrs. Hylind:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt

Zoning Commissioner

LES:mmn encl.



Printed on Fee elections

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Petition for Administrative Variance 95-1-A

to the Zoning Commissioner of Baltimore County

for the property located at

Zanina Commissioner of Baltimore County

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.3 To allow an accessory structure (garage) with a height of 19.5 ft. in lieu of the required 15 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See OTHER SIDE

Property is to be posted and advertised as prescribed by Zoning Regulations.

rculation throughout Baltimore County, and that the property be reposted.

ESTIMATED POSTING DATE:

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

			legal owner(s) of the property which is the subject of this Petition
Contract Purchaser/Lessee			Legal Owner(s)
			John K. Hylines
ype or Print Name)			(Type or Print Name)
gnature			Signature
Address			(Type or Punt Name)
City	State	Zipcode	Signatury D My Wall
ttomey for Petitioner			
		, , , , , , , , , , , , , , , , , , ,	1 Minway Ave 284:
Type or Print Name)	\	***	Address Phone No.
•	į		BALTIMORE Md 21
inature			City ————————————————————————————————————
Address .	Phone No		Name
ty	State	Zipcode	Address Phone No.

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) docs/do presently reside at	1 Min	WAY	
	address	l	
-	BALTIM	ore Ma	21222
	City	State	Zip Code
That based upon personal knowledge, the follow Variance at the above address: (indicate hardship or		which I/we base the reques	t for an Administrative
We are requesting	a leseral de	io Soan	WILLIAM
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That Affiant(s) acknowledge(s) that if a protes		be required to pay a repos	ting and advertising fee and
may be required to provide additional information	on. NORE CO	Δ	
John K. Marter		Maria	Stilling.
(signature)	****	(signature)	1 1914 0
Tohn K. Hylinia (type of print name)		Three or print name!	D. Hylind
STATE OF MARYLAND, COUNTY OF BALT	IMORE to wit:	(),p= 0. p	
		011.	N
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, pe	ersonally appeared		a Notary Public of the State
John K Highers	/	Ceneres	D Helend
	·	7	1,3900
the Affiants(s) herein, personally known or satis that the matters and facts hereinabove set forth			
AS WITNESS my hand and Notarial Seal.	Ca/	1 Q 4)
date 06/01/99 .		PUBLIC /	WINSE
. ,	M. Com-	NOTARY	HELEN M. LUBINSKI PUBLIC STATE OF MARYLAND Mission Express As II ARYLAND
	му Сошш	ission Expires: My Com	mission Expires April 30, 1996

EXAMPLE 3 – Zoning Description

- 3 copies

95-1-A

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FO	or / <i>M</i>	lidway	Ava.		
ZONING DESCRIPTION FO	12	Council	(addres Lmanic Distric	s) t	
Beginning at a point on the $\frac{\mathcal{E}}{(nc)}$	AST orth, south,	east or v	side of _ west)	Midw	ay Dr.
(street on which property from					
wide at a distance of $\frac{/H}{\text{(number of }}$	of feet) (no	orth, sout	ORTH	_ of the st)	
centerline of the nearest impro					Placa et)
which is 30 (number of feet of right)					
Block, Section (
(name of subdivision	n)	_ as reco	orded in Baltin	more Count	ty Plat
Book # <u>10</u> , Fo:			, contain	ning	
(square feet and acre	 ∋s)				

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber ____, Folio ____" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

Militaries verse

Plat Requirements

12 copies required. The plat shall be legible and clear enough for micro-filming and in no case can it be larger than 24" \times 36". Plats must be trimmed or folded to a neat 8-1/2" \times 11" size. It shall contain all the information as set forth on the checklist as follows:

- 1. ____ NORTH ARROW, ELECTION AND COUNCILMANIC DISTRICT, TITLE PLAN "PLAN TO ACCOMPANYHEARING". THE OWNER'S NAME, PROPERTY ADDRESS AND DATE.
- 2. ____ SCALE OF DRAWING: 1"=20' or 1"=50'. If acreage exceeds 40 acres, use 1"=100' scale.
- 3. OUTLINE OF PROPERTY: Indicated by a heavy bold line include lot lines, distances and area of the parcel(s) by square feet and acreage. (To figure acreage, divide square feet by 43,560.)
- 4. VICINITY MAP: A vicinity map must be included on all plats with the scale of '"=1,000' WITH SITE CLEARLY AND ACCURATELY DEPICTED. DO NOT PUT THIS MAP ON A SEPARATE SHEET; IT MUST BE ON THE SAME SHEET AS THE SITE PLAT!
- 5. PRIOR ZONING HEARINGS: The case number(s), date of the Order(s), what was granted or denied, and any restrictions must be listed and addressed on the plat for any prior zoning hearings.
- 6. ____OWNERSHIP: Of all adjacent parcel(s) of property including owner's name(s), lot numbers, subdivision names, tax account numbers, and/or deed references.
- 7. LOCATION: Street address and name of adjoining street(s), beginning point of description and distance from property corner to the nearest intersecting public street centerline. (Check record plats, State tax maps, or utility maps in Room 206, County Office Building.) This beginning point and distance should also be the first statement in the zoning description on Page 5.
- 8. STREETS, WIDENING, R/W, EASEMENTS: Include all existing public boundary streets with the existing right-of-way and paving width. Include any existing or proposed easements or right-of-ways and indicate if it is public or private.
- 9. <u>BUILDINGS:</u> Use, dimensions, height and location of all existing buildings and improvements on property with building-to-property line and building-to-building setbacks shown for each structure. Also, the front orientation of any dwellings and the use, dimension and location of all proposed buildings or additions and the proposed use if the use is to be changed. The general use, building and lot dimensions and all facing property line setbacks of buildings on adjoining lots.
- 10. STREET SETBACKS: If a new dwelling is proposed or the proposed addition or improvement is located on the street side (front) and if either adjacent side is unimproved and your property is zoned D.R.-2, D.R.-3.5 or D.R.-5.5, then you must show on your site plan the front setback of all dwellings on your side of the street within a distance of 200 feet from the joint side property lines.
- 11. <u>UTILITIES:</u> Show location and size of all public utilities and right-of-ways both adjacent to and on-site. If no public water or sewer exist, well and septic system locations and setbacks must be indicated. (Public utilities reference Room 206, County Office Building.)
- 12. FEATURES: Location of streams, storm water management systems drainage, and pipe systems on or within 50 feet of the property.
- 13. B.O.C.A.: Buildings must meet the building code, as well as the fire code requirements, with regard to type of construction, windows, etc.
- 14. SPECIAL REQUIREMENTS: For Special Hearings on 2 apartment dwellings, floor plans detailing each floor with room square footages and uses are required.

All of the above information MUST be complete and accurate or the petition CANNOT be accepted for filingl and another appointment will have to be made!

ZONING DESCRIPTION

Zoning Description for 1 Midway Avenue

Election District 12 Councilmanic District 7

As Record in Deed Liber 10 Folio 128 (N 62° 34′ W 175′, S 27° 26′ W 50′, S 64° 34′ E 175′, S 27° 26′ W 50′ to the place of beginning.

William Control

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towner, Maryland

District 17-th Posted for: Variance	Date of Posting 7/11/94
Posted for: Vertence	•
Petitioner: John & Agnos Hylind	
Petitioner: John & Agrees Hylin & Location of property: / Mid Way Are.	ELS
Location of Signs: Facing road way on p	no party being romed
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Remarks:	
Posted by Mfffesty	Date of return: 7/14/94
Number of Signe: /	





Bellimore Court. Zoning Administration & Development Management 111 West Chesapeake Avenue Towson, Maryland 21204

Date 7/1/94

Hyland -- / Midway Ava.

010 - Variance -- \$ 50.00

080 - Sign --- \$35.00

\$85.00

recelipt 95-1-A

Account: R-001-6150

Number #/

Takan by: JRF

DIADI NO330MICHRE BA C003:09FM07-01-94 Please Make Checks Payable To: Baltimore County

\$85.00

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

Item N	o.:_#/
Petiti	oner: John K. Hylino & Anges D. Hyl
	on: I mioway Aue.
PLEASE	FORWARD ADVERTISING BILL TO:
NAME:_	Stephen Zentz
ADDRES	s: P.O. Bx 9578
	BATO. Md 21237
PHONE	NUMBER: 866-1277

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

July 19, 1994

Mr. and Mrs. John K. Hylind 1 Midway Avenue Baltimore, Maryland 21222

RE: Case No. 95-1-A, Item No. 1
Petition for Administrative Variance
Petitioner: John K. Hylind, et ux.

Dear Mr. and Mrs. Kylind:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on July 1, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related <u>only</u> to the filing of future <u>zoning petitions</u> and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Marin Committee Committee

Zoning Plans Advisory Committee Comments Mr. and Mrs. John K. Hylind

Date: July 19, 1994

Page 2

- 2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
- 3. Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

Sincerely,

W. Carl Richards, Jr.

Zoning Supervisor

WCR: cmm



O. James Eightnizer Secretary Hal Kassoff Administrator

Ms. Charlotte Minton Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Re:

7-11-94

Baltimore County
Item No.: */ (TRF)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours, Bob Small

DAVID N. RAMSEY, ACTING CHIEF

John Contestabile, Chief

Engineering Access Permits

BS/

My telephone number is _

Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free

Baltimore County Government Fire Department



700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

DATE: 07/12/94

Arnold Jablen
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOF-1105

RE: Property Owner: SEE BELGW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Eureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 512,514,515,516,518,519,520,521,522,523 AND *1.



ZADM

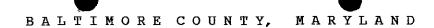
REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 827-4881, MS-1102F

cc: File

MICROFILIVIED





INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration & Development Management

FROM: Pat Keller, Director

Office of Planning and Zoning

1

DATE: July 21, 1994

SUBJECT: 1 Midway Avenue

INFORMATION:

Item Number:

Petitioner:

Hylind Property

Property Size:

Zoning: D.R. 5.5

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

Should the applicant's request be granted, use of the garage should be limited to storage and the parking of vehicles.

Prepared by:

Division Chief:

PK/JL:lw

MARGELINE

Baltimore County Government Office of Zoning Administration and Development Management





111 West Chesapeake Avenue Towson, MD 21204

August 1, 1994



Mr. and Mrs. John K. Hylind 1 Midway Avenue Baltimore, MD 21222

RE: Case No. 95-1-A, Item No. 1

Petition for Administrative Variance Petitioner: John K. Hylind, et ux

Dear Mr. and Mrs. Hylind:

Enclosed are copies of comments received from Office of Planning and Zoning on August 1, 1994 for the above-referenced case.

If there are any questions, please do not hesitate to call me at 887-3391.

Sincerely,

Julie A. Winiarski Office Assistant

ulie A. Winiarski

Enclosure

Was to stand

Printed with Soybean Ink on Recycled Paper

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

July 8, 1994

(410) 887-3353

NOTICE OF CASE NUMBER ASSIGNMENT

TO:

Mr. and Mrs. John K. Hylind

1 Midway Avenue

Baltimore, Maryland 21221

Re:

CASE NUMBER: 95-1-A (Item 1)

1 Midway Avenue

E/S Midway Avenue, 140 feet of c/l New Deal Place Petitioner(s): John K. Hylind and Agnes D. Hylind

Variance to allow an accessory structure (garage) with a height of 19.5 feet in lieu of the required 15 feet.

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before July 10, 1994. The closing date (July 25, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon

Director



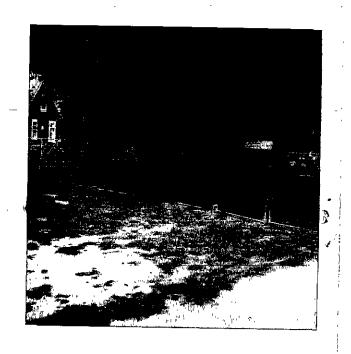


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 | DDRESS: MIDIOLATY AVE See TOUCHESS Italia#128, lot #538, section# TOUCHESS T | DDRESS: MIDWAY AVE See TOURNESS, tollo#128,101#538, section# | Ohnk & Agnes D Hylind 95 | Chnk & Agnes D Hylind 95 | Chnk & Agines D Hylind 95 | DDRESS: MIDWAY AVE SEE TWUCKESS tollo#128, lot #538, section# Ohn K & Agnes D Hylind 95 | DDRESS: MIDWAY AVE SEE TOUCONESS tollo#128,10t #538,56ction# Ohnk & Agnes D Hylind 95 | DDRESS: MIDWAY AVE SEE TOUCOMESS tollo#128,101#538,56ction# Ohnk & Agnes D Hylind 95 | ChNK & Agines D Hylind 95 | DDRESS: MIDWAY AVE See TOUCKNESS Italio#128, Jot #538, Section# Ohnk & Agnes D Hylind S 37° 26' W
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 | DDRESS: MICAUSS TOUCAUSS | DDRESS: MIDWITH AVE See TOUCAUSS Italia#128,101#532,5ection# TOUCAUSS Italia#128,101#532,5ection# | Ohnk & Agnes D Hylind 95 | Chnk & Agnes D Hylind 95 | Chnk & Agines D Hylind 95 | DDRESS: MIDWAY AVE See TNUCKESS Italia#128,101#538,586110n# Ohnk & Agnes D Hylind 95 | DDRESS: MIDWAY AVE See TOUCOMESS Hollo#128, lot #538, Section# Ohnk & Agnes D Hylind | DDRESS: MIDWAY AVE See TOUCOMESS Hollo#128, lot #538, Section# Hylind Ohnk & Agnes D Hylind | Chnk & Agines D Hylind | DDRESS: MIDWAY AVE See TWUCKNESS Italia#128, lot #538, section# Chnk & Agnes D Hylind S 37° 26'a 12'
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 | Sorezeral | 37° 26' W | 37° 26' W | 37° 26' (1) \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ | 37° ZC' W S W WYNCH RO | 12' W S & CYNCH KG | 37° Zc' & 37° Zc | 12' E | | _ | _
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| DDRESS: Midway Ave see Thucomess tollo#128,101#538,56ction# Sare 26'40 Sare 26'40 Sare 26'40 | RTY ADDRESS: MIDWAY AUE See pages 5 & 6 of the CHECKLIS on name: Thuckness ok# 10 ,follo# 128, lot #538, section# R: John K & Agnes D Hy (ind S 37° 26' 4) 13 | #10 tollo#1202 isaction# Tohnk & Agines D Hylind Sarezora Sarezora Sarezora Sarezora Sarezora Sarezora Sarezora | John & Agres D Hylind Solver D Hylind | John K & Agres D Hylind Sures D Hylind Sures Color Sur | John K & Agres D Hylind Survey Red Surve | John K & Agrees D Hylind Survey Color Red Survey Red | John & Agnes D Hylind Significant Signific | John & Agrees D Hylind S 37° 26' W S 37° 26' W S 35° 2 | SOLVER CHAINA | S. 27° 26'W S. 27 | S'27°26'& S'21'26' & S | 37° 26' (2) \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ | 37° 26'a) 12' 37° 26'a) 12' 35 45 50 50 50 50 50 50 50 50 5 | 37° 26' 61 | 37° 26' (2)
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hooking directly From Alley out Building lot

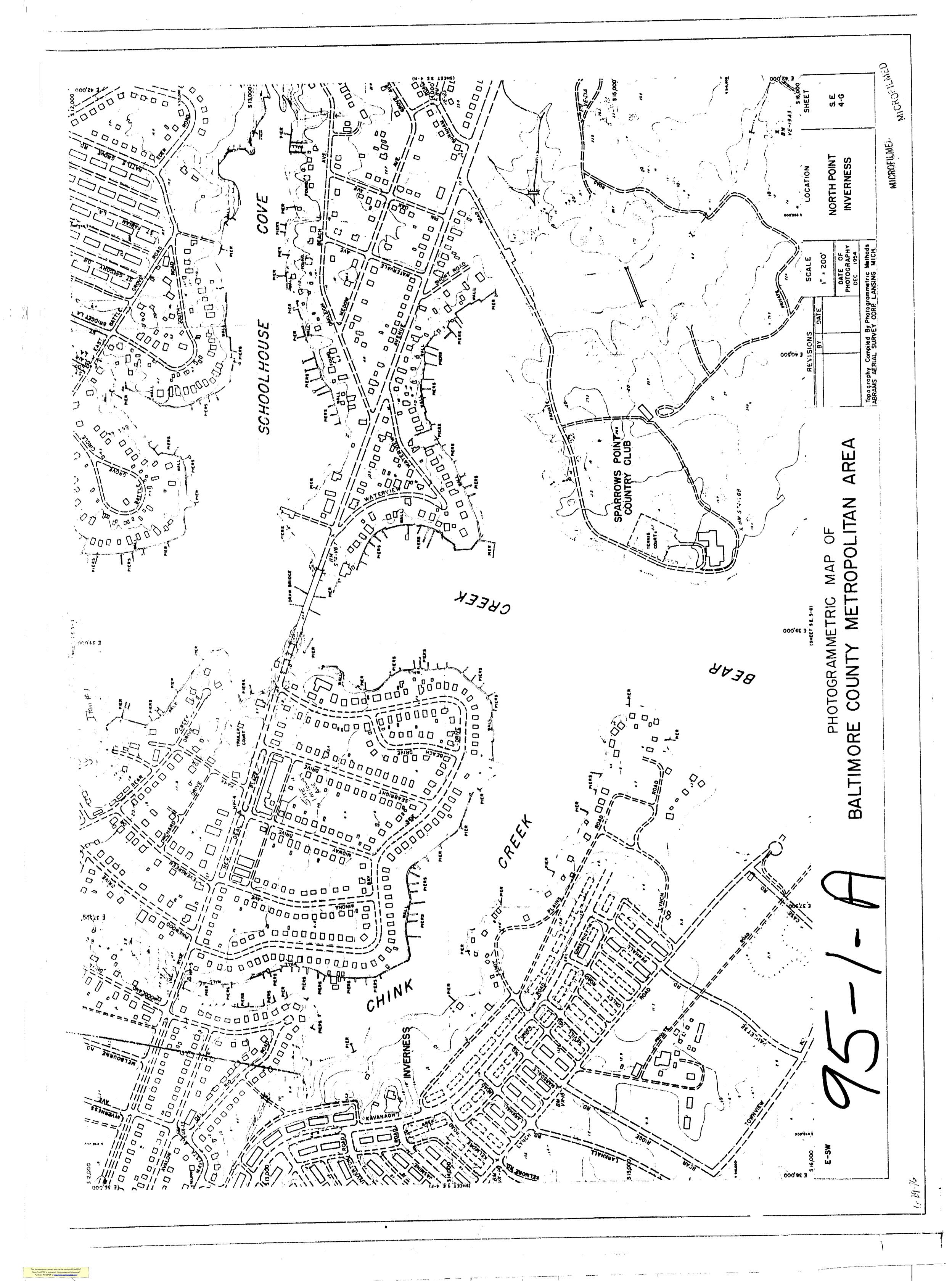


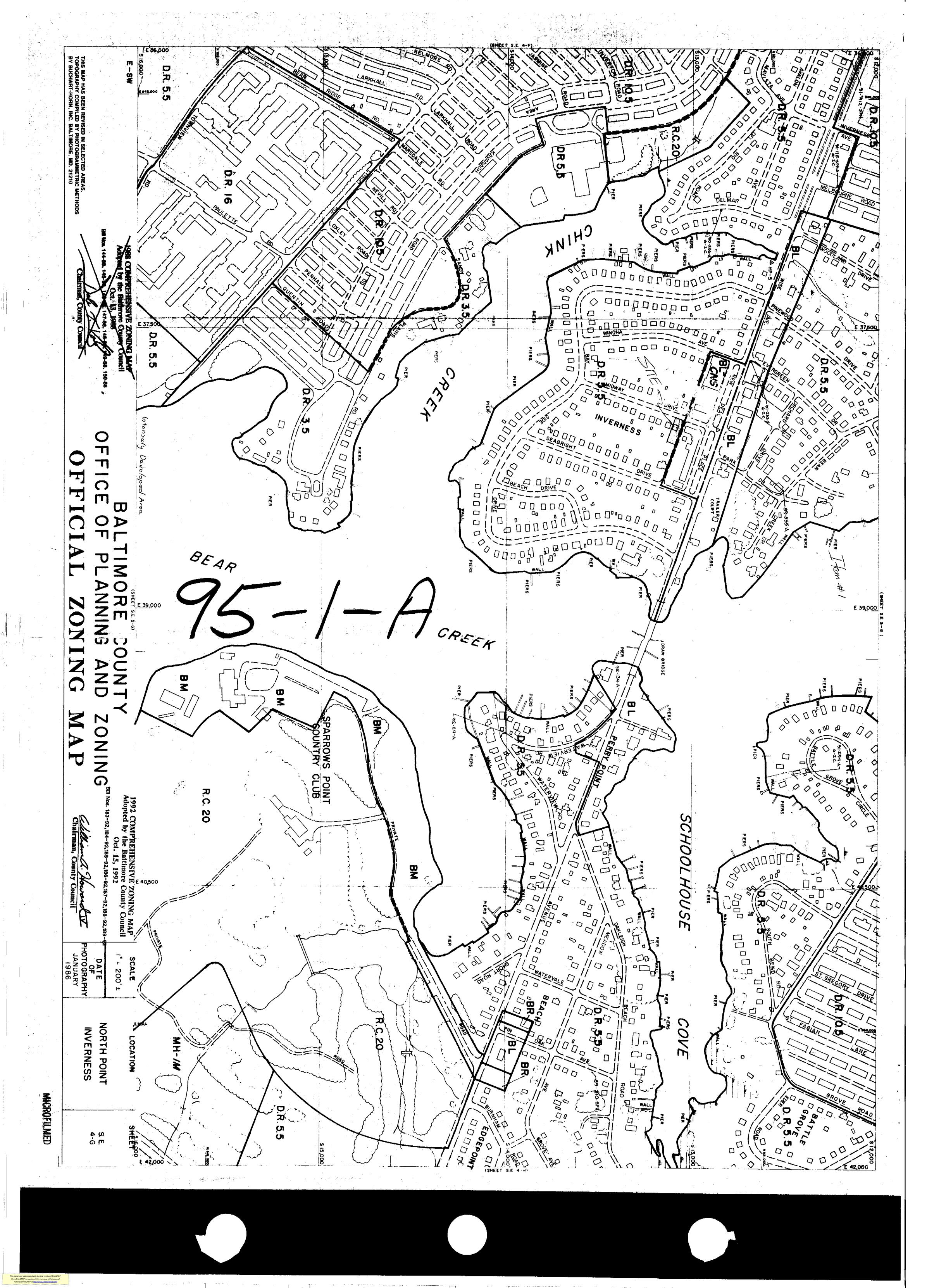
MICROFILMED

Look AT Duilding Sire From Alley



P. PROPOSED SITE OF GARAGE LOOK ING FROM Alley TOWARDS Neignors GARAGE.







MICROFILMED

INVERNESS

* BEFORE THE DEPUTY

* ZONING COMMISSIONER * OF BALTIMORE COUNTY

* Case No. 95-1-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

This matter comes before the Zoning Commissioner as an administrative variance filed by John K. Hylind and Agnes D. Hylind, his wife, for that property known as 1 Midway Avenue in the Inverness subdivision of Baltimore County. The Petitioner/property owners herein seek a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (garage) with a height of 19.5 ft., in lieu of the required 15 ft., as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property is located within the Chesapeake Bay Critical Areas and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioners' compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT, IS ORDERED by the Zoning Commissioner for Baltimore County this 27 day of July, 1994 that the Petition for a Zoning Variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (garage) with a height of 19.5 ft., in lieu of the required 15 ft., in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> 2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3. Compliance with the Department of Environmental Protection and Resource Management recommendations to be submitted upon completion of their review of this matter.

4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

> Zoning Commissioner for Baltimore County

LES:mmn

1 Midway Avenue Baltimore, Maryland 21222 RE: Petition for Administrative Variance

Suite 113 Courthouse

Towson, MD 21204

400 Washington Avenue

Mr. and Mrs. John K. Hylind

Dear Mr. and Mrs. Hylind:

LES:mmn

Case No. 95-1-A Property: 1 Midway Avenue

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Baltimore County Government Zoning Commissioner

Office of Planning and Zoning

July 27, 1994

Very truly yours, Lawrence E. Schmidt Zoning Commissioner

(410) 887-4386

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at | Miouay Aue | which is presently zoned DE 5-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3 To allow an accessory structure (garage) with a height of 19.5 ft. in lieu

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or

SEE OTHER SIDE Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

N	State	Zipcode	Address	Phone No.
Adress	Phone	No	Name	
Signature			City	State Zipcode umber of representative to be contacted.
1			BALTIME	ne V'd 21342
Type or Print Name)			<u>LWI (DWA</u>	Phone No.
Attorney for Petitioner:				1 700
City	State	Zipcode	Signature	
			(imix)	Helixa
ddress			(Type or Syint Name)	D Hylinia
ignature			Signature	
			John K.	Myhe
Type or Print Name)			(Type or Pyrt Name)	AYLIND OLIC
Onlyact Furchaser/Lessee.			John K.	مدد العالم
ontract Purchaser/Lessee:			Legal Owner(s):	
			legal owner(s) of the property	d affirm, under the penalties of perjury, that !/we are to which is the subject of this Petition.

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at _____ M1.0WAY AUE. BALTIMORE Md ZIZZZ That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

We are requesting a visiance for a accessory structure of 19'-6" fecuse it does not meet the 15; fort rejurement The gurus fue spent a great deal of time Chrosing a garage Clesing that would next his weld for slaving and parking of les cous. It also accomudate the asthetic A secround buildingen his buse

the Alian:s(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law the cactters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief. AS WTI NESS my hand and Notarial Seal.

06/01/94

EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

Election District /2	Councilmanic District
ginning at a point on the EAST	side of Midway Dr.
(north, sout	th, east or west)
which	is 40'
reet on which property fronts)	(number of feet of right-of way width)
de at a distance of/HO '	NORTH of the
(number of feet)	(north, south, east or west) .
	./ 2 / 2/

wide. *Being Lot # 53 \$ 54 (number of feet of right-of-way width) in the subdivision of as recorded in Baltimore County Plat

8,750 3 .20 tc. (square feet and acres) *If your property is not recorded by Plat Book and Folio Number,

then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber ____, Folio ___ " and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

22" W. 80 ft. to the place of beginning.

95-1-4

ZONING DESCRIPTION

Zoning Description for 1 Midway Avenue

Election District 12 Councilmanic District 7

As Record in Deed Liber 10 Folio 128 (N 62° 34' W 175', S 27° 26' W 50', S 64° 34' E 175', S 27° 26' W 50' to the place of begin-

of the required 15 ft.

lation, throughout Baltimore County, and that the property be reposted.

A Public Hearing having been requested and/or found to be required, it is ordered by the Loning Commissioner of Baltimore County, this ____ day of ____ at the subject matter of this petition be set for a public hearing , advertised, as required by the Zoning Regulations of Ballimore County, in two newspapers of general

ZONING DESCRIPTION FOR / Midway Ava.

centerline of the nearest improved intersecting street New Deal Place

(name of subdivision)

> Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15'

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 93-1-14

Posted for: Petitioner: John & Hylind Location of property: Location of Signs: Location of Signs: Acting rood way on property be Remarks: Posted by Signstation	Posting 7/11/94
Location of Signs: Facting rood way, On property be	
Location of Signs: Facting rood wood on proporty be	
Location of Signar Facting rood work on proporty be	
Remarks:	
Remarks:	,,
Remarks:	ny 20 mad
Posted by Malesly Date of retu	
I USIGU UJ	7/14/94
Signature	. War

To Affigure a Consequence of Society Administration & Development Management at these these quakes there of the second of the se
Tonson, Maryland 21201

Date 7/1/94 Hylind -- 1 Midway Ave.

010 - Varionca -- \$50.00 080 - Sign -- \$35.00 \$ 85.00

> O1AO1#033OMICHRC **\$85.00** EA 0003: 09PMD7: 01-94
> Please Make Checks Payable To: Baltimore County

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

111 West Chesapeake Avenue

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Government Office of Zoning Administration

and Development Management

which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County. This office will ensure that the legal requirements for posting and

advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

PHONE NUMBER: 866-1277

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

For newspaper advertising:			
Item No.: # /			
Petitioner: John K. Hylms	5 1	Anges-	D. Hylino

Location: 1 misway Aue PLEASE FORWARD ADVERTISING BILL TO:

NAME: STEPHEN ZENTZ ADDRESS: POBX 9578 BALTO Md 21237

AJ:ggs

(Revised 04/09/93)

Baltimore County Government Office of Zoning Administration and Development Management



(410) 887-3353

July 19, 1994

Mr. and Mrs. John K. Hylind 1 Midway Avenue Baltimore, Maryland 21222

Towson, MD 21204

RE: Case No. 95-1-A, Item No. 1 Petition for Administrative Variance Petitioner: John K. Hylind, et ux.

Dear Mr. and Mrs. Kylind:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on July 1, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related <u>only to the filing of future</u> zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



7-11-94

U. James Lightnizer

Hal Kassoff

Administrator

Re: Baltimore County
Item No.: * / (TVF)

Dear Ms. Minton:

Room 109

Ms. Charlotte Minton

Zoning Administration and

Development Management

111 W. Chesapeake Avenue Towson, Maryland 21204

County Office Building

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Por John Contestabile, Chief **Engineering Access Permits**

A. 经基础的

My telephone number is ______

Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

recelipt75-1-A

Account: R-001-6150

Takan by: JRF

DATE: 07/12/94

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, Mb 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW LOCATION: SEE BELOW

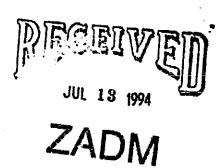
Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

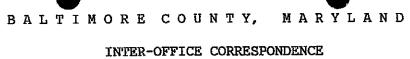
8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 512,514,515,516,518, 519,520,521,522,523 AND *1.



REVIEWER: LT. ROBERT P. SAUERWALD Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

ZAC.1/PZONE/CYCLE



TO: Arnold Jablon, Director Zoning Administration & Development Management

FROM: Pat Keller, Director Office of Planning and Zoning

SUBJECT: 1 Midway Avenue

DATE: July 21, 1994

INFORMATION

Item Number: Petitioner:

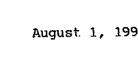
Property Size:

SUMMARY OF RECOMMENDATIONS:

Should the applicant's request be granted, use of the garage should be limited to storage and the parking of vehicles.

Pg. 1

Baltimore County Government Office of Zoning Administration and Development Management







Mr. and Mrs. John K. Hylind 1 Midway Avenue Baltimore, MD 21222

111 West Chesapeake Avenue

Towson, MD 21204

RF: Case No. 95-1-A, Item No. 1 Petition for Administrative Variance Petitioner: John K. Hylind, et ux

Dear Mr. and Mrs. Hylind:

Enclosed are copies of comments received from Office of Planning and Zoning on August 1, 1994 for the above-referenced case.

If there are any questions, please do not hesitate to call me at

Sincerely,

Julie & Winiarski Office Absistant

Enclosure

Baltimore County Government Office of Zoning Administration and Development Management

(410) 887-3353

NOTICE OF CASE NUMBER ASSIGNMENT

Baltimore, Maryland 21221

TO: Mr. and Mrs. John K. Hylind

1 Midway Avenue

111 West Chesapeake Avenue

July 8, 1994

Towson, MD 21204

CASE NUMBER: 95-1-A (Item 1) 1 Midway Avenue E/S Midway Avenue, 140 feet of c/l New Deal Place Petitioner(s): John K. Hylind and Agnes D. Hylind

Variance to allow an accessory structure (garage) with a height of 19.5 feet in lieu of the required

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

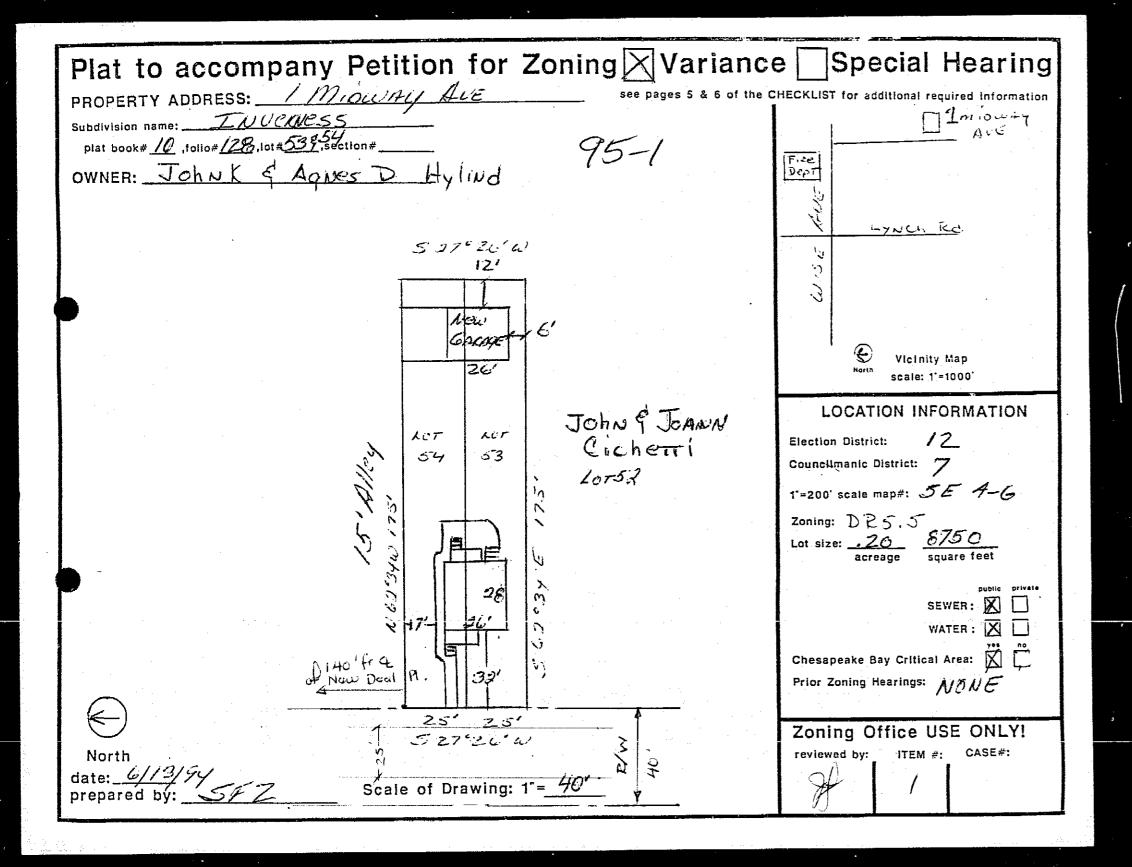
1) Your property will be posted on or before July 10, 1994. The closing date (July 25, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

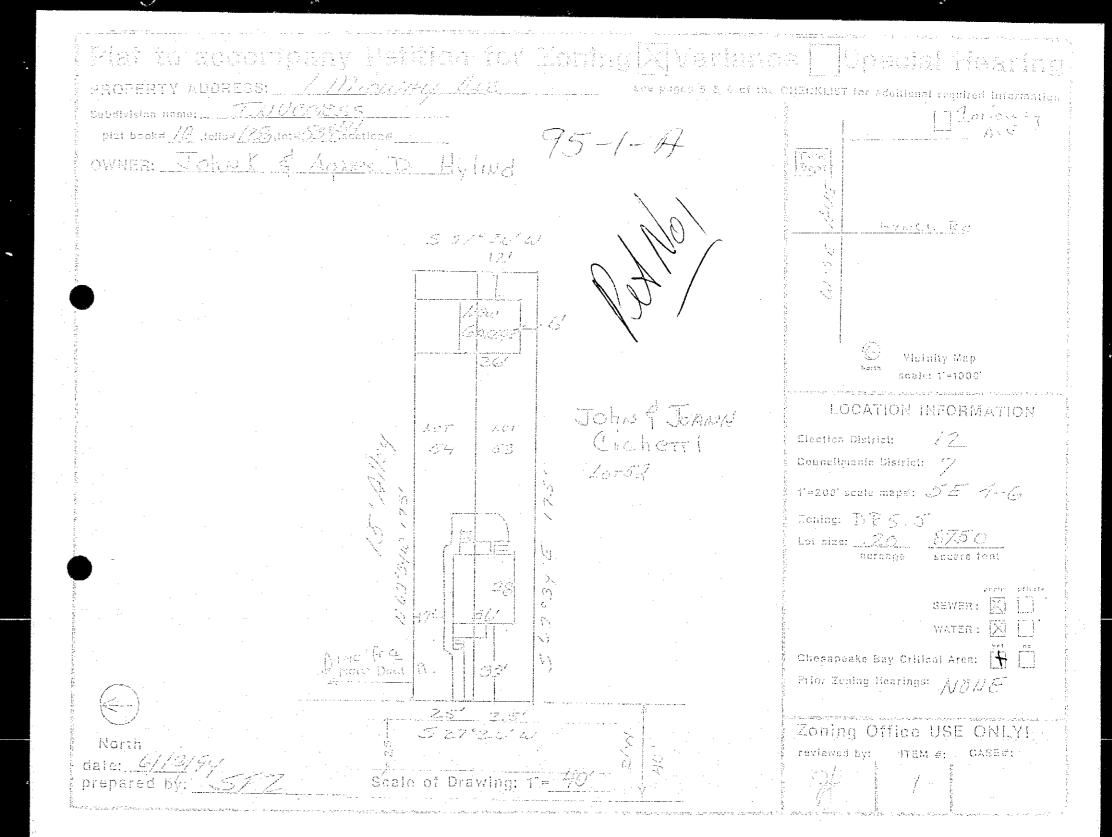
2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Printed with Soybean Ink on Recycled Paper





95-1-A



95-1-A

hooking directly From Alley



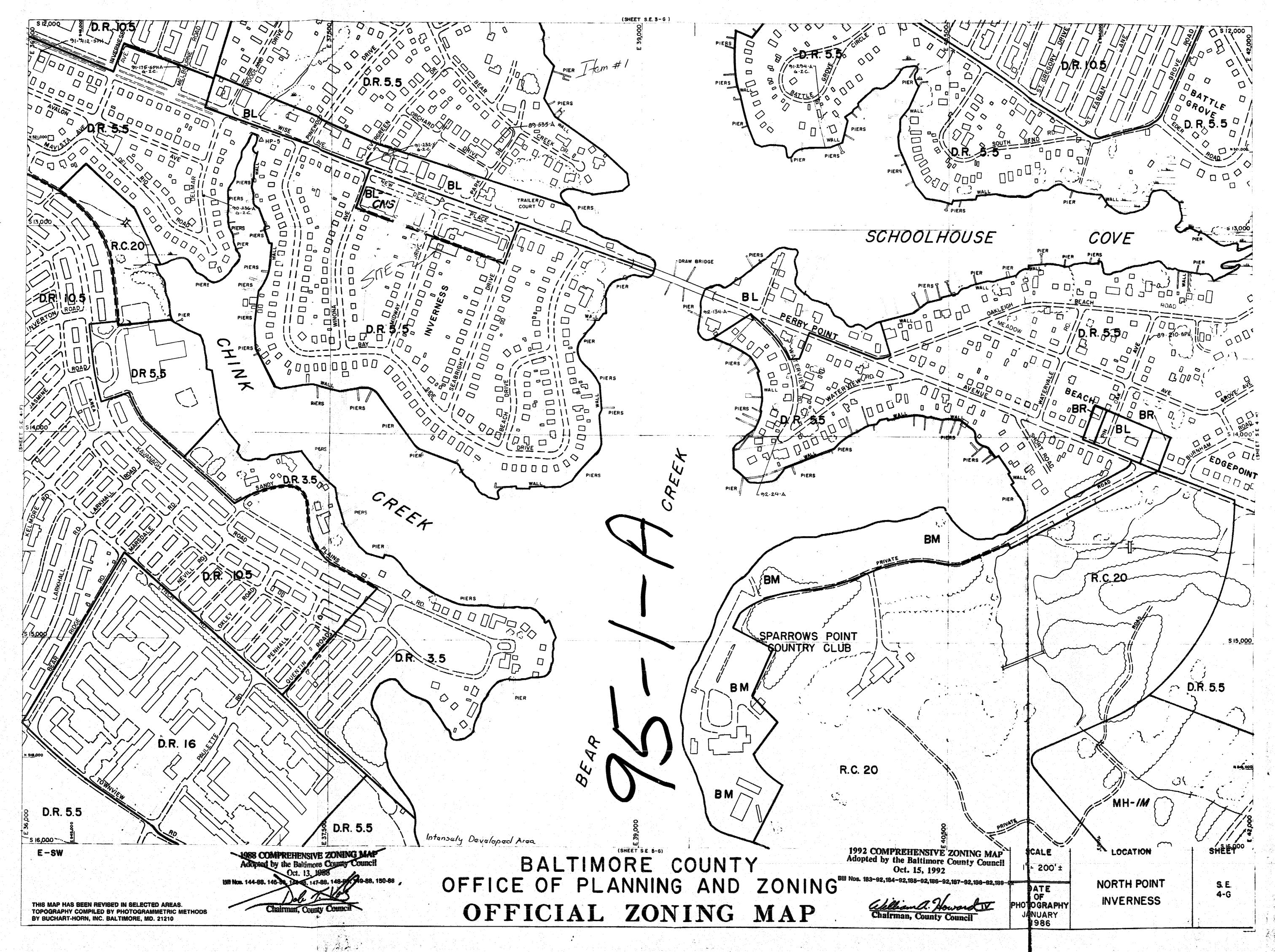
Look AT building Site From Alley

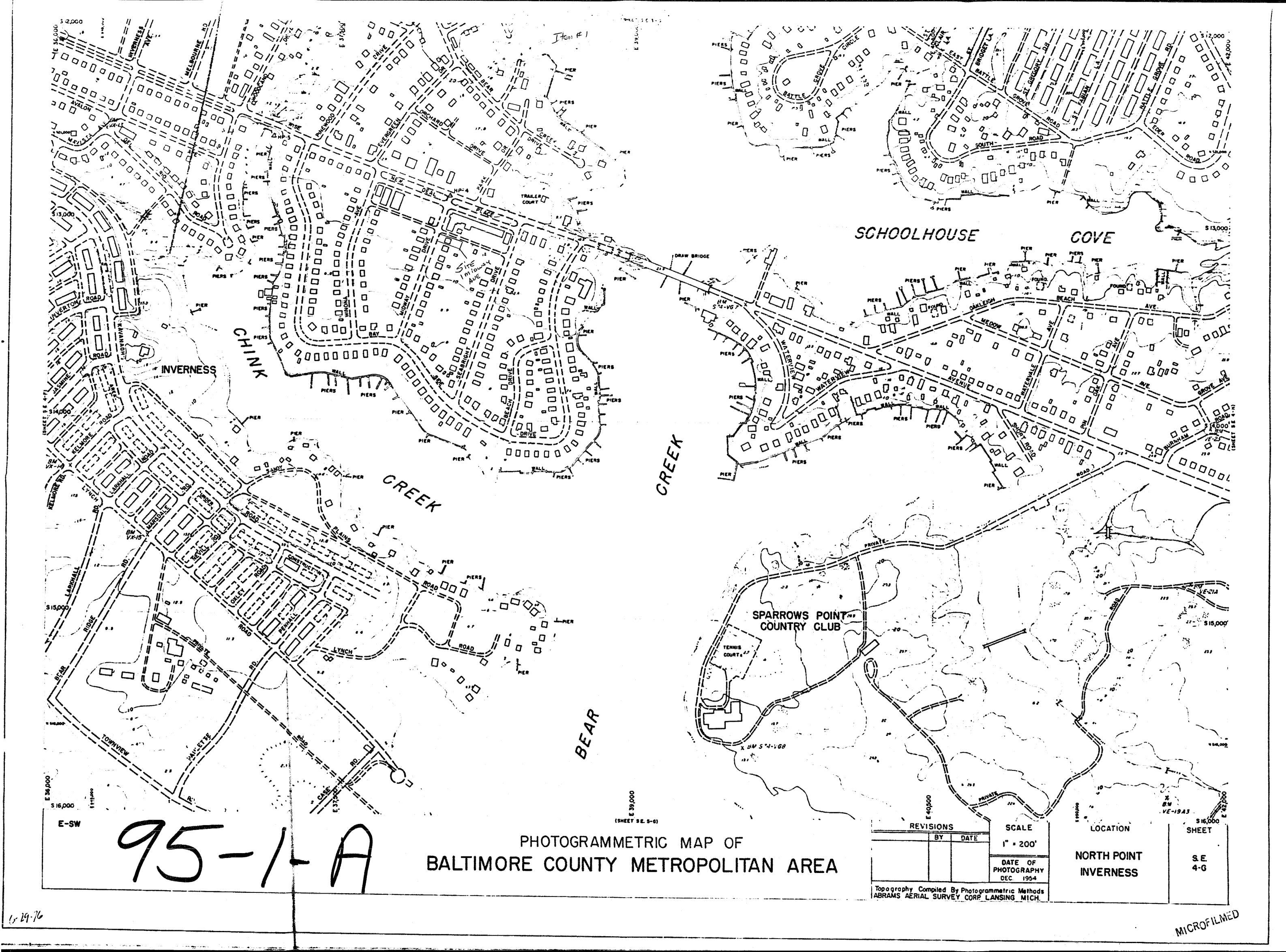


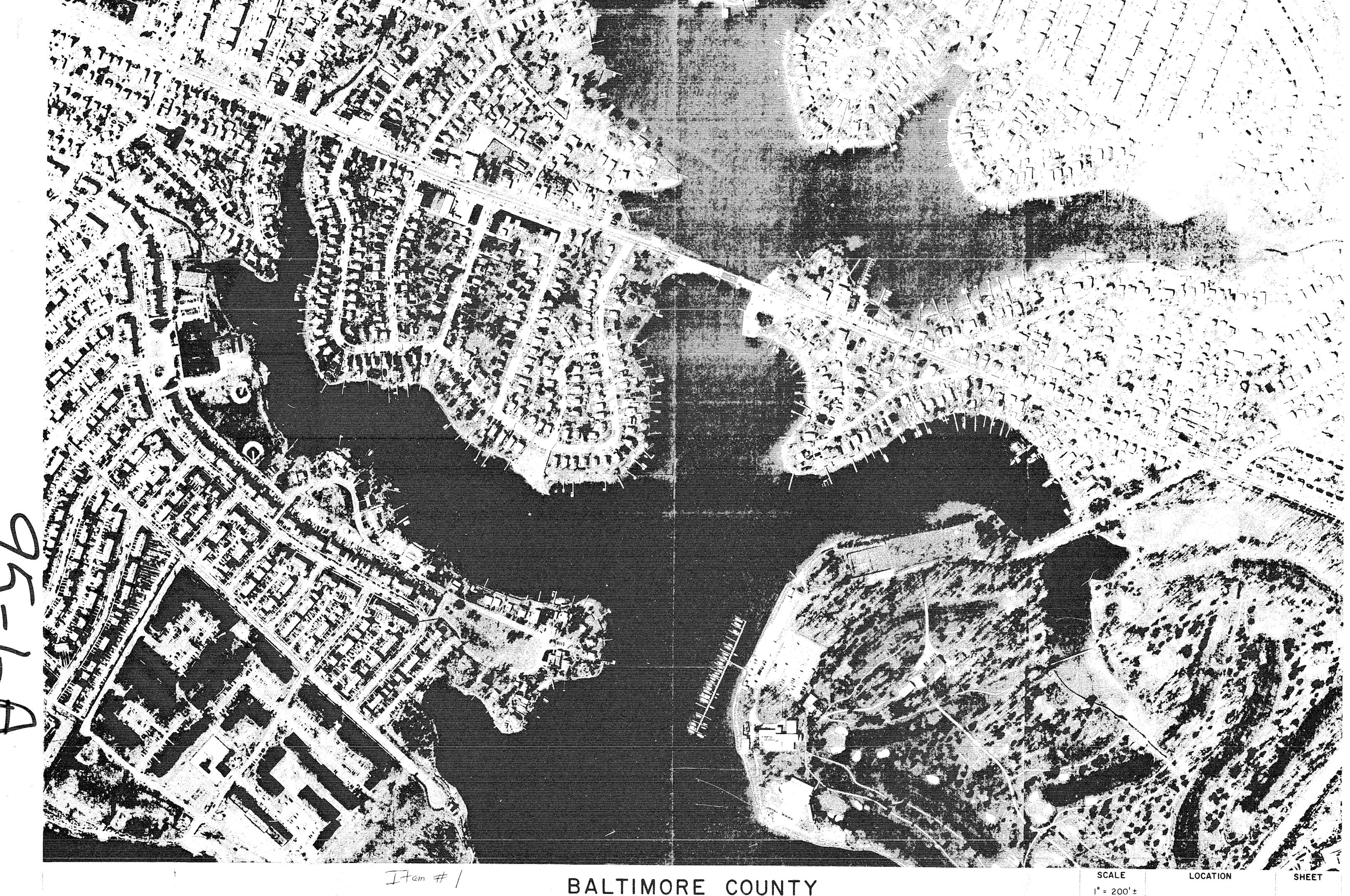
P. PROPOSED SITE OF GARAGE LOOKING FROM Alley Towards Neighors GACAGE

L.McL.M.-10-128 FILED FOR RECERD TEST C willing turne of CLERK - 8/9/10/11/12/3/4/ BRIDGE 47 48 49 50 51 52 33 54 55 56 57 58 59 60 61 62 63 64/65 DRIVE BEAR 28 33 35 PLAT INVERNESS OWNED& DEVELOPED BY THE IJBOLTON COMPANY DUNCAN BLDG. TOWSON, MD. DRIVE FREETS, ROADS, AVENUES, PATES AND STHER AND HA HIGHWAYS IS FOR THE PURPOIR OF DESCRIPTION SCALE . GO FEET TO ONE INCH THE STATE OF MEDICATION FRED H. DOLLENBERG COUNTY SURVEYOR FOR BALTIMORE CO. TOWSON, MD. MAY 5, 1937.

L MEL.M. 10 - 123







PREPARED BY AIR PHOTOGRAPHICS, INC. MARTINSBURG, W.V. 25401

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP

DATE OF PHOTOGRAPHY JANUARY 1986

NORTH POINT **INVERNESS**